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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,162	10/31/2000	Benjamin M. Cahill III	INTL-0438-US-(P9450)	9745
21906	7590	01/25/2005	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			ABDULSELAM, ABBAS I	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/703,162

Applicant(s)

CAHILL, BENJAMIN M.

Examiner

Abbas I Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07/01/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see # 13, filed on 07/01/04, with respect to the rejection(s) of claim(s) 1-22 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gryskiewicz (USPN 6545724) and Gryskiewicz's et al. (USPN 6545724).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 10-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Gryskiewicz (USPN 6545724) in view of Gryskiewicz's et al. (USPN 6646686).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the

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application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding claims 1 and 10, Gryskiewicz of USPN 6545724 teaches that by assigning alpha values, a flickering which results from display on analog television receivers may be decreased. See col. 3, lines 49-53. However, Gryskiewicz of USPN 6545724 does not teach the alpha values such that the alpha values indicate how a video signal and graphic signal are to be combined. Gryskiewicz et al. of USPN 6646686 on the other hand teach a system (100) receiving alpha values (14) such that the alpha values specify how graphic signal (10) and a video signal (12) are to be combined. See col. 2, lines 59-62.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Gryskiewicz's alpha value that is taught in USPN 6545724 by another type of Gryskiewicz's alpha value that is taught in USPN 6646686 for the purpose of improving display of information on a display monitor such as television display (col. 2, lines 40-45).

In addition, Gryskiewicz et al. of USPN 6646686 teach a run-length encoder 26 as shown in Fig. 1 to be a software program executed on a processor-based system, which compresses the stream of alpha values 14 entering the system 100. See col. 7, lines 4-7.

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Regarding claim 11, Gryskiewicz (USPN 6545724) teaches various types and use of flicker filters including (FIR) filter. See col. 1, lines 38-63

Claims 2-9, 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable Gryskiewicz (USPN 6545724) in view of Gryskiewicz's et al. (USPN 6646686) in further view of Young et al. (USPN 6144365).

Regarding claims 2-4, 6, 8-9, 16, 18-20 and 22, Gryskiewicz (USPN 6545724) as modified has been discussed above, However, Gryskiewicz (USPN 6545724) does not teach comparing the alpha value to a predetermined threshold value, subtracting the alpha value from a threshold value and performing division with respect to alpha value. Young on the other hand teaches the alpha test unit (306) which compares the alpha value of a pixel to a threshold and outputs the result to "Z compare unit" which in turn transfers its own output to alpha blending unit (310). See Fig. 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Gryskiewicz's display system on television to adapt Young's alpha test unit (306) as configured in Fig. 3 and alpha blending unit (310) as detailed in Fig. 4. One would have been motivated in view of the suggestion in Young that the alpha test unit (306) along with Z compute unit (308) coupled with alpha blending unit (310) equivalently provide the desired "comparison of alpha value to a predetermined threshold. The use of alpha test unit (306) and blending unit (310) helps a system of computer graphics and image processing as taught by Young.

In addition Young further teaches details of alpha bending unit (310) to include adder, subtract or, multiplier and divider (430, 422, 428 426) as shown. See Fig. 4. Furthermore since

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Yong teaches the alpha test unit (306) which compares the alpha value to a predetermined threshold value, it would be obvious to utilize Young's concept of threshold comparison of alpha value inside Gryskiewicz's system of alpha blending. One of ordinary skill in the art would have ascertained that the predetermined threshold value could be manipulated mathematically in a desired format and manner.

Regarding claims 6, 12-14 and 16-22, as mentioned above, Gryskiewicz et al. of USPN 6646686 teach a run-length encoder 26 as shown in Fig. 1 to be a software program executed on a processor-based system, which compresses the stream of alpha values 14 entering the system 100. See col. 7, lines 4-7. It would also be obvious to utilize Young's concept of threshold comparison of alpha value inside Gryskiewicz's system of alpha blending.

Regarding claims 5, 7, 15 and 21, Gryskiewicz (USPN 6545724) teaches various types and use of flicker filters including (FIR) filter. See col. 1, lines 38-63. Also, Gryskiewicz as modified with Young teaches the alpha test unit (306) comparing the alpha value to a threshold. It would be obvious to of ordinary skill in the art to ascertain that the threshold comparison of alpha can be utilized with respect to any appropriate flicker filter.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art is cited for further reference.

U.S. Pat. No. 5,734,851 to Leatherman

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulsalam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

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January 20, 2005

  
**XIAO WU**  
**PRIMARY EXAMINER**